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IFW

Applicant: Wayne E. Maska et al.
Application No. 09/775,038
Filed: 02/01/2001
For: Sexual Enhancement Device
Examiner: John P. Lacyk
Art Unit 3736
5

Re: PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

Applicant received from the Office a Notice of Abandonment for failure to timely file a reply to the "Office letter" (Office Action Summary) mailed October 4, 2005. Applicant hereby certifies that Applicant did, in fact, respond on a timely basis (November 3, 2005) by U.S. Postal Service Certified Mail. As verification Applicant attaches copies of:

1. Cover sheet for Notice of Abandonment showing mailing date of September 28, 2006.
2. Notice of Abandonment mailed September 28, 2006.
3. Applicant's REQUEST TO WITHDRAW CLAIMS dated November 3, 2005.
4. U. S. Postal Service receipt showing date of November 3, 2005.
5. Certified-Mail receipt dated November 3, 2005.

In accordance with the above and the attached evidential material, Applicant hereby requests that the Office withdraw the holding of Abandonment with respect to Applicant's Application.

Respectfully submitted,

Dated: NOVEMBER 16, 2006

Wayne E. Maska
Wayne E. Maska (Applicant)

Attachments

ENCL: A RETURN PREPAID POSTCARD ACKNOWLEDGING
RECEIPT OF THE ABOVE IDENTIFIED MATERIAL



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,038	02/01/2001	Wayne E. Maska		8337

7590 09/28/2006
WAYNE MANSKA
1921 KELLOGG DRIVE
ANAHEIM, CA 92807

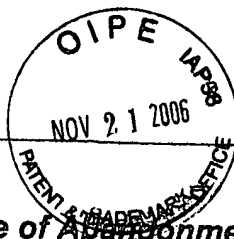
EXAMINER

LACYK, JOHN P

ART UNIT	PAPER NUMBER
3735	

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



Notice of Abandonment

Application No.

09/775,038

Examiner

John P. Lacyk

Applicant(s)

MANSKA ET AL.

Art Unit

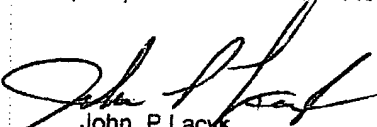
3735

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

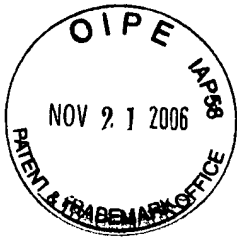
This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 04 October 2005.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☒ A reply was received on 08 November 2005 but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

Response was received after the one month reply period and does not include a stamped postcard or certificate of mailing.


John P. Lacyk
Primary Examiner
Art Unit: 3735

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



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For: Sexual Enhancement Device
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Art Unit 3736

Re: REQUEST TO WITHDRAW CLAIMS

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

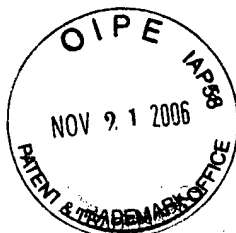
Applicant received from the Office an Office Action Summary with mailing date 10/04/05 stating claims 32-42 relate to an invention distinct from that of claims 1-31 and 43-52. Accordingly, Applicant hereby withdraws claims 32-42 and requests that only the remaining claims be considered for allowance.

Respectfully submitted,

Wayne E. Maska
Wayne E. Maska (Applicant)

Dated: NOVEMBER 3, 2005

Applicant: Wayne E. Manska et al.
 Application No. 09/775,038
 Filed: 02/01/2001
 For: Sexual Enhancement Device
 Examiner: John P. Lacyk
 Art Unit 3738
 5



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 Certified \$2.30
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Issue PVI: \$4.42

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 Change Due: -\$1.05

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Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$4.42

Postmark: ALEXANDRIA VA 11/03/2005

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 Commissioner of Patents & Trademarks
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 City, State, ZIP+4 ALEXANDRIA, VA 22313-1450

PS Form 3800, June 2003 See Reverse for Instructions